

REMARKS:

In the above-mentioned Office Action, all of the pending claims, claims 1-10 and 14-20 were rejected. Claims 1-10 and 14-20 were rejected under Section 103(a) over the combination of *Harris* and *Davis*. And, claim 17 was rejected under Section 112, second paragraph, for indefiniteness for the recitation of “of providing the indicia of.”

The Applicants acknowledge the Examiner’s further search and examination of the present application, without the issuance of a final rejection.

Responsive to the newly-cited references, independent claims 1 and 15 have been amended, as noted herein, in manners believed to distinguish better the invention of the present application over the cited combination of references.

While the Examiner cited *Puhl* for showing a credit payment indicator and a downloading controller, the Examiner acknowledged that *Puhl* fails to show the recited mobile provider terminal, recited in the claims. The Examiner, however, relied upon *Harris* for showing peer-to-peer communications. Additionally, while the Examiner acknowledged that *Puhl* also fails explicitly to disclose the nature of a smart card’s value at holding, the Examiner relies upon both *Harris* and *Davis* for systems that use smart cards.

With respect to exemplary claim 1, the claim has been amended, now to recite that the effectuation of the communication link with the payment account depository subsequent to downloading of the content to the recipient mobile terminal and removal of the recipient mobile

terminal and the mobile terminal out of the communication connectivity therebetween. Method claim 15 has been analogously amended.

None of the references, alone or in combination, disclose such structure or corresponding method.

As the Examiner acknowledged, *Puhl* fails to disclose peer-to-peer communications. And, devices 20 in *Harris* are referred to as peers, between which connections are possible. However, there is no disclosure in *Puhl* of a downloading controller, or a corresponding method, of downloading content to the recipient mobile terminal by the provider terminal, removing the recipient terminal out of communication connectivity therebetween , and effectuating a communication link with a payment account depository. *Davis* also fails to disclose such structure, or corresponding method.

Accordingly, claims 1 and 15, amended as noted herein, are believed to be patentably distinguishable over the references, alone or in combination.

The remaining ones of the dependent claims include all of the limitations of their respective parent claims. Accordingly, these dependent claims are believed to be patentably distinguishable over the cited combination of references for the same reasons as those given for their respective parent claims.

Claim 17 has also been amended in manners believed to overcome the Section 112 rejection thereof.

In light of the foregoing, independent claims 1 and 15 and the remaining ones of the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, re-examination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

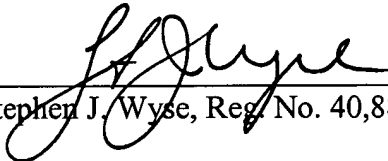
Respectfully submitted,

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CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) Apparatus for a recipient mobile terminal for facilitating copying of content executable at a provider mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient-terminal user, execution of the content at the recipient mobile terminal at least selectably incurring a fee payable to a payee entity, the payee entity associated with a remotely-positioned payment account depository at which an electronic payment account is maintained, the recipient mobile terminal being a peer device of the provider mobile terminal, and positionable in a manner to permit communication connectivity therewith, said apparatus comprising:

a recipient-terminal downloading connector selectably operable to effectuate a communication link with the provider mobile terminal when the recipient mobile terminal and the provider mobile terminal are positioned in the manner permitting the communication connectivity theretogether and selectably operable to effectuate a communication link with the remotely-positioned payment account depository;

a credit payment indicator for containing at least an indicia of creditworthiness of the recipient-terminal user; and

a downloading controller coupled to said payment indicator and to said downloading connector, said downloading controller for permitting said recipient-terminal downloading connector to effectuate the communication link with the provider terminal, thereby to download the content to the recipient mobile terminal if said payment indicator indicates the

indicia of creditworthiness to be beyond at least a selected threshold, said downloading controller further, subsequent to downloading of the content to the recipient mobile terminal and removal of the recipient mobile terminal and the provider mobile terminal out of the communication connectivity therebetween, for causing said recipient-terminal downloading connector to effectuate the communication link with the payment account depository to permit effectuation of debiting of the indicia of creditworthiness to the benefit of the payee entity and, upon debiting, to permit the execution of the content at the recipient mobile terminal.

15. (Twice Amended) A method for facilitating copying of a content, executable at a provider mobile terminal, to a recipient mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient mobile terminal user, execution of the content at the recipient mobile terminal at least selectably incurring a fee payable to a payee entity, the payee entity associated with a remotely-positioned payment account depository at which an electronic payment account is maintained, said method comprising:

positioning the provider mobile terminal and the recipient mobile terminal in a manner to permit a communication link to be formed therebetween;

forming the communication link between the recipient mobile terminal and the provider mobile terminal thereby to place the recipient mobile terminal and the provider mobile terminal into communication connectivity;

determining whether an indicia of creditworthiness, located at the recipient mobile terminal is beyond at least a selected threshold;

downloading the content to the recipient mobile terminal if the indicia of creditworthiness is determined, during said operation of determining, to be at least the selected threshold;

removing the recipient mobile terminal and the provider mobile terminal out of communication connectivity therebetween;

forming a communication link between the recipient mobile terminal and the payment account depository;

debiting the indicia of creditworthiness for the content downloaded to the recipient mobile terminal;

crediting the electronic payment account correspondingly; and

executing the content at the recipient mobile terminal.

17. (Amended) The method of claim 15 comprising the additional operation, prior to said operation of determining, [of providing] to provide the indicia of creditworthiness to the recipient mobile terminal.